

1 The opinion in support of the decision being entered today was *not* written
2 for publication in and is *not* binding precedent of the Board.

3
4 UNITED STATES PATENT AND TRADEMARK OFFICE

5
6
7 BEFORE THE BOARD OF PATENT APPEALS
8 AND INTERFERENCES
9

10
11 *Ex parte* ALEX HOLTZ, ROBERT SNYDER, CHARLES HOEPPNER,
12 GILBERTO FRES, and KEITH G. TINGLE
13

14
15 Appeal 2007-0595
16 Application 09/822,855
17 Technology Center 2100
18

19
20 Decided: April 18, 2007
21

22
23 Before ANITA PELLMAN GROSS, STUART S. LEVY, and ANTON W.
24 FETTING, *Administrative Patent Judges*.

25 FETTING, *Administrative Patent Judge*.

26 DECISION ON APPEAL
27

28
29 STATEMENT OF CASE

30 This appeal from the Examiner's rejection of claims 1-14, the only claims
31 pending in this application, arises under 35 U.S.C. § 134. We have jurisdiction
32 over the appeal pursuant to 35 U.S.C. § 6.

33
34 We AFFIRM.
35

1 The Appellants invented a way to provide full news integration and automation
2 to a video production system, which automatically converts a show rundown into a
3 set of computer readable broadcast instructions and automates the execution of a
4 live or live-to-tape video show (Specification 6). An understanding of the
5 invention can be derived from a reading of exemplary claim 1, which is reproduced
6 below:

7 1. A method for producing a show live in real time for at least one
8 of transmission and recording in a production environment having at
9 least one processing unit in communications with a plurality of
10 production devices, comprising the steps of:

11 (a) receiving a show rundown manually assembled by a producer
12 to comprise a plurality of story files; and

13 (b) converting said show rundown into broadcast instructions that,
14 when executed in a step-by-step manner responsive to a manual
15 trigger from the producer in an event-driven manner, enable the
16 transmitting of commands to control the plurality of production
17 devices to thereby produce the show live in real time for at least one
18 of transmission and recording, wherein said transmitting includes
19 transmitting commands to at least a camera, and a robotic pan/tilt
20 head.

21
22 This appeal arises from the Examiner's Final Rejection, mailed January 11,
23 2006. The Appellants filed an Appeal Brief in support of the appeal on February
24 17, 2006, and the Examiner mailed an Examiner's Answer to the Appeal Brief on
25 May 22, 2006. A Reply Brief was filed on July 14, 2006.

PRIOR ART

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

Washino	US 5,450,140	Sep. 12, 1995
Trumbull	US 5,795,228	Aug. 18, 1998
Kenny	US 6,437,802 B1	Aug. 20, 2002 (Jul. 14, 1999)
Tao	US 6,441,832 B1	Aug. 27, 2002 (Nov. 26, 1997)

REJECTIONS

Claims 1, 2, 11, and 13 stand rejected under 35 U.S.C. § 102(b) as anticipated by Trumbull.

Claims 3-6, 8, 12, and 14 stand rejected under 35 U.S.C. § 103(a) as obvious over Trumbull and Kenny.

Claims 7 and 9 stand rejected under 35 U.S.C. § 103(a) as obvious over Trumbull, Kenny, and Tao.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as obvious over Trumbull, Kenny, Tao, and Washino.

ISSUES

The issues pertinent to this appeal are

- Whether the art applied shows converting a show rundown into broadcast instructions that are executed in a step-by-step manner responsive to a manual trigger from the producer in an event-driven manner (Br. 9).
- Whether the art applied shows transmitting commands to at least a camera, and a robotic pan/tilt head (Br. 9).
- Whether the art applied shows populating a broadcast instructions time sheet with production icons (Br. 14).

In particular, the Appellants contend that, as regards all claims, Trumbull does not show execution in response to a manual trigger nor control of a camera (Br. 9) and that, as regards claim 10, Washino does not show use of icons on the same screen as a time relation image (Br. 14).

FACTS PERTINENT TO THE ISSUES

The following findings of fact (FF), supported by a preponderance of substantial evidence, are pertinent to the above issues.

01. Claim 1 contains the limitation “converting said show rundown into broadcast instructions that, when executed in a step-by-step manner responsive to a manual trigger from the producer in an event-driven manner, enable the transmitting of commands...”
02. This limitation in claim 1 does not recite the performance of a manual trigger, but rather what the response must be should a manual trigger be performed.

03. Trumbull shows

The Content Development and Mapping system 94 inserts content signals into a template for each show. The operator 12 uses the Content Development and Mapping system 94 to "program" shows. For example, a weekly show may utilize a single template, but different content is inserted into that template for each show. New content may be, for example, signals indicative of new video clips taken from the week's news, new questions and answers for a game show or new celebrities to be interviewed on a talk show.

The Content Development and Mapping system 94 comprises software running on a computing platform, typically on the Activity Server 18. The software of the Content Development and Mapping system 94 defines informational items, known as content, to be inserted into a template. The software accepts subsequent signal entries which are indicative of new content. Signals indicative of each informational item are stored and accessible in a conventional manner through database retrieval tools.

Though the Editing system 82 is used for creating a show, it also exerts control over components of the entertainment system 22 which are active during a show performance. For example, during the final stages of show creation, the Editing system 82 controls the Giant Display Assembly 40, Audio Assembly 42, and Lighting Assembly 44 to aid the operators in evaluating the show and assuring that the show will perform as intended.

(Trumbull, col. 13, ll. 50-67 and col. 14, ll. 1-8).

04. Trumbull's Content Development and Mapping system is therefore software that converts a show rundown (content) into performance (broadcast) instructions.

05. Software under execution is a process that is performed step by step. Further, Trumbull's template is the mechanism by which step-by-step show content is programmed.

1 06. Thus Trumbull shows converting said show rundown into broadcast
2 instructions that, when executed in a step-by-step manner in an event-
3 driven manner, enable the transmitting of commands.

4 07. All software is responsive to a manual trigger in that manual intervention
5 may always be employed.

6 08. Further, Trumbull shows

7 The user 10 and operator 12 interact with the entertainment system 22
8 through a User Interface 14 which is described in further detail
9 hereinbelow. The User Interface 14 receives input signals from the
10 user 10 and operator 12 such as signals from a button, touch screen,
11 signal transmitter or other equivalent device.

12 (Trumbull, col. 5, ll. 1-6).

13 09. Trumbull's user interface shows manual triggers of show execution by
14 way of buttons, touch screens and signal transmitters.

15 10. Thus, Trumbull shows converting said show rundown into broadcast
16 instructions that, when executed in a step-by-step manner, responsive to
17 a manual trigger from the producer in an event-driven manner, enable
18 the transmitting of commands.

19 11. Trumbull shows

20 The Show Director System 38 thereby controls the intensity of each
21 light source, as well as how each light source tilts, pans, focuses and
22 mixes colors. The Show Director System 38 synchronizes the
23 operation of the light sources with the operation of the Giant Display
24 Assembly 40 and the Audio Assembly 42, thereby enhancing the
25 user's sensory stimulation.

26 (Trumbull, col. 8, ll. 3-10).

1 12. Thus, Trumbull shows transmitting commands to a robotic pan/tilt head.

2 13. Trumbull shows that a camera is part of the Giant Display Assembly
3 (Trumbull, Fig. 4:58), which is controlled by the Show Director System
4 (Trumbull, Fig. 3:38, 40).

5 14. Trumbull shows

6 FIG. 3 illustrates in schematic form functional components of the
7 Show Controller 20. While the Activity Server 18 provides logical
8 control by directing a show, the Show Controller 20 provides physical
9 control by controlling physical devices. A Show Director System 38
10 comprises real-time software running on a computing platform such
11 as a Silicon Graphics Onyx class computer. The Show Director
12 System 38 generates show control signals for controlling a Giant
13 Display Assembly 40, an Audio Assembly 42 and a Lighting
14 Assembly 44. The Show Director System 38 thereby controls
15 physical devices involved in a show, such as doors, lights, and image
16 and sound playback apparatus, and thus "performs" the show. By
17 varying the actions of the Giant Display Assembly 40, Audio
18 Assembly 42 and Lighting Assembly 44, the Show Director System
19 38 can perform a variety of different shows.

20 FIG. 4 shows the Giant Display Assembly 40 in greater detail. A
21 Video Playback and Mixing Station 48 receives signals indicative of
22 video images from video sources such as a television signal receiver
23 46, a video camera 58 and a video tape player 50. In the preferred
24 embodiment, the Video Playback and Mixing Station 48 can receive
25 signals from twenty sources.

26 (Trumbull, col. 6, ll. 37-58).

27 15. Trumbull therefore shows that the Show Controller controls and varies
28 the action of the physical devices, including the Giant Display
29 Assembly, of which a camera is a component.

30 16. Thus, Trumbull shows transmitting commands to a camera.

17. Thus, Trumbull shows transmitting commands to at least a camera, and a robotic pan/tilt head.

18. Tao shows a broadcast instructions time sheet populated with production icons (Tao, Figs. 14 and 15). Washino shows similar production icons, but used to control multiple production devices (Washino, col. 2, ll. 10-15). The Examiner relies on Tao to show the time sheet relation to the icons and Washino to show the plural production devices relation to icons (Answer 8).

ANALYSIS

Claims 1, 2, 11, and 13 rejected under 35 U.S.C. § 102(b) as anticipated by Trumbull.

From the above findings of fact, we must conclude that

- The art applied shows converting a show rundown into broadcast instructions that is executed in a step-by-step manner responsive to a manual trigger from the producer in an event-driven manner (FF10).
- The art applied shows transmitting commands to at least a camera, and a robotic pan/tilt head (FF17).

To the Appellants' contention (Br. 9) that Trumbull does not show a manual trigger being performed, we note that such a trigger is not positively recited (FF02), and that, further, Trumbull does show the apparatus structure for accepting manual triggers (FF09).

To the Appellants' contention (Br. 9) that the arrows' direction in Trumbull Fig. 4 shows signals only leaving a camera, we note that Trumbull specifies that its

1 Show Director controls the devices involved in the show, including the
2 components of the Giant Display Assembly, which includes a camera (FF15).
3 Further, it would have been understood by a person of ordinary skill in the art that
4 the arrows in Trumbull's Fig. 4 represent content flow, not control signal flow.
5 The control signal flow is shown in Fig. 3, in which signals go to the Giant Display
6 Assembly, which includes a camera.

7 The Appellants introduced a contention that the Examiner admitted that the
8 video and playback mixing station (Trumbull, Fig. 4:48) does not control the
9 camera (Reply Br. 2-3). The Appellants did not recite the Examiner's explicit
10 admission, but we conclude on reading the Answer that this refers to the
11 Examiner's explanation (Answer 9: ultimate Paragraph) that the user interface
12 provides the control, i.e., the user interface controls the video and playback mixing
13 station, which in turn controls the camera. The Examiner is merely ascribing the
14 location of ultimate control, i.e., the user interface. This argument is no more than
15 taking the Examiner's explanation out of context, which, when placed back in the
16 proper context, shows that no such admission was made.

17 Thus, the Appellants have not shown reversible error on the part of the
18 Examiner in this rejection of claim 1.

19 The Appellants contend (Br. 8) that claims 2, 11, and 13 are allowable for the
20 same reasons as claim 1, whose rejection we sustained, *supra*. Accordingly we
21 sustain the Examiner's rejection of claims 1, 2, 11, and 13 under 35 U.S.C. §
22 102(b) as anticipated by Trumbull.

23

1 related icons to plural production devices, such as cameras. Thus, the Appellants
2 have not shown reversible error on the part of the Examiner.

3 Accordingly we sustain the Examiner's rejection of claim 10 under 35 U.S.C. §
4 103(a) as obvious over Trumbull, Kenny, Tao, and Washino.

5
6 REMARKS

7 We wish to bring to the attention of the Appellants and the Examiner certain
8 teachings within Washino which, although not material to the rejections currently
9 of record, might become pertinent in issues regarding obviousness of potential
10 amended claims should prosecution continue. In particular, Washino explicitly
11 recites sending control signals to cameras and their pan/tilt heads in a video
12 production system (Washino, col. 2, ll. 1-4).

13
14 DECISION

15 To summarize, our decision is as follows:

- 16 • The rejection of claims 1, 2, 11, and 13 under 35 U.S.C. § 102(b) as
17 anticipated by Trumbull is sustained.
- 18 • The rejection of claims 3-6, 8, 12, and 14 under 35 U.S.C. § 103(a) as
19 obvious over Trumbull and Kenny is sustained.
- 20 • The rejection of claims 7 and 9 under 35 U.S.C. § 103(a) as obvious over
21 Trumbull, Kenny, and Tao is sustained.

- The rejection of claim 10 under 35 U.S.C. § 103(a) as obvious over Trumbull, Kenny, Tao, and Washino is sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2006).

AFFIRMED

hh

JOSEPH S. TRIPOLI
THOMSON LICENSING INC., PATENT OPERATIONS
TWO INDEPENDENCE WAY
SUITE 200
PRINCETON, NJ 08540